THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.11256 of 2006

Date : 13-6-2006

Between:

1. Repaka Krishna s/o.Mallaiah
2. Pochala Sadanandam s/o.Narsaiah
3. Mydam Sekhar s/o.Sammaiah

.. Petitioners

and

1. Government of Andhra Pradesh,
rep.by its Secretary, Municipal
Administration and Urban Development
Department, Secretariat, Hyderabad.
2. The Commissioner, Panchayat Raj and
Rural Development Department,
Himayatnagar, Hyderabad.
3. The District Collector, (Panchayat Wing),
Warangal.
4. Municipal Corporation of Warangal,
at Warangal, rep.by its Commissioner.
5. A.P. State Election Commission,
Buddha Bhavan, Secunderabad,
Rep.by its Election Commissioner.
6. Gram Panchayat, Thimmapur village,
Hanmakonda Mandal, Warangal District,

Rep.by its Panchayat Secretary. .. Respondents

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ORDER:

Heard the Counsel.

The Writ Petition is filed praying for a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the 1st respondent in not acting upon the proposals sent by 3rd respondent, for inclusion of 6th respondent Gram Panchayat into 4th respondent

Municipal Corporation as illegal, arbitrary and without jurisdiction by consequently directing the 1st respondent to forthwith take decision on the proposal sent by the 3rd respondent by merging the 6th respondent Gram Panchayat with 4th respondent Municipal Corporation and by further directing the 5th respondent herein not to notify the 6th respondent Gram Panchayat for the purpose of conducting elections to Gram Panchayats, Mandal Parishads and Zilla Parishads till a decision is taken by the 1st respondent on the proposal submitted by the 3rd respondent with regard to the 6th respondent Gram Panchayat.

It is no doubt true that when the Writ Petition was filed, no election notification was issued but however the fact remains that subsequent thereto the notification relating to the Gram Panchayat elections in fact had been issued. The main grievance ventilated by the writ petitioners is that though the proposals had been finalised sufficiently long back, no further action is being taken either in finalising the proposals by accepting or rejecting the same. It is needless to say that it is for the Government to take appropriate decision in this regard and a Writ of Mandamus of the nature which had been prayed for cannot be granted inasmuch as there is no enforceable right in relation thereto in favour of the petitioners. However, these observations made by this Court will not come in the way of the Government in taking any appropriate decision in this regard if the Government chooses to do so.

With the above observation, the Writ Petition is disposed of. No costs.

Justice P.S. Narayana

Date : 13-6-2006

AM